

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JEFFREY SCHLUCKEBIER,

Plaintiff,

v.

Case No.: 1:19-cv-12752

Judge: Thomas L. Ludington

HURON & EASTERN
RAILWAY CO., INC.,

Defendant.

Harry B. Bailey III (GA #032105)
JonesGranger
1201 Peachtree Street, NE
400 Colony Square, Suite 200
Atlanta, GA 30361
(404) 870-9020
hbai@jonesgranger.com

Aaron Davis (P77406)
Fraser, Treblicock, Davis &
Dunlap, P.C.
124 W. Allegan Street, Suite 100
Lansing, MI 48933
(517) 482-5800
adavis@fraserlawfirm.com
Attorneys for Plaintiff

Brian D. Shekell (P75372)
Hannah Reisdorff Kendall (P80101)
Clark Hill PLC
500 Woodward Avenue, Suite 3500
Detroit, MI 48226
(313) 965-8300
bshekell@clarkhill.com
hkendall@clarkhill.com
Attorneys for Defendant

JOINT DISCOVERY PLAN

Pursuant to Federal Rule of Civil Procedure 26(f) and the Court's Order to Submit Material for Case Management Order, the parties submit the following Joint Discovery Plan:

(A) Rule 26(a) disclosures: The parties shall exchange Rule 26(a) initial disclosures on or before January 10, 2019.

(B) The subjects on which discovery may be needed: The claims and allegations asserted in Plaintiff's Complaint, Plaintiff's alleged damages, and Defendant's defenses. The parties request that fact discovery be completed by May 25, 2020. The parties do not believe that discovery should be conducted in phases or be limited to or focused on particular issues.

(C) Electronically stored information: The parties do not have or anticipate any issues about disclosure, discovery, or trial preparation materials, including the form or forms in which it should be produced.

(D) Trial preparation materials: The parties do not have or anticipate any issues about claims of privilege or of protection as trial-preparation materials. The parties may seek the entry of a protective order if necessary to address confidential information produced during discovery or for trial.

(E) Changes to limitations imposed by rules: The parties do not seek any other changes in the limitations on discovery imposed under the Federal Rules of Civil Procedure or the local rules.

(F) Other Orders: The parties do not believe that the Court should issue any orders under Rule 26(c) or under Rule 16(b) and (c) other than a scheduling order.

(G) Additional Information:

A. *The issues and narrowing the issues*: The issues in this case are (1) whether Defendant terminated Plaintiff in violation of the Federal Railroad Safety Act, 49 U.S.C. 20109, *et. seq.* (“FRSA”), and (2) if so, whether Plaintiff suffered any damages.

B. *Subject matter jurisdiction*: This Court has jurisdiction over this matter pursuant to the Federal Rail Safety Act, 49 U.S.C. 20109(d)(3).

C. *Relationship to other case*: None.

D. *Necessity of amendments to pleadings, additional parties, third-party complaints, etc.*: None.

E. *Settlement, including alternative dispute resolution*: The parties do not believe that alternative dispute resolution will be beneficial at this time. The parties agree that any mediation should take place after the close of discovery. The parties do not agree to be bound by the provisions of MCR 2.403 regarding case evaluation and sanctions.

F. *Progress of discovery*: The parties anticipate that discovery will commence shortly.

G. *Issues which may appropriately be resolved by motion:* The parties are not aware of any issues which may be appropriately resolved by motion at this time. Defendant anticipates that it will file a dispositive motion after the close of discovery. The parties request a dispositive motion deadline of June 26, 2020.

H. *Estimated trial length:* 4-8 days.

Respectfully submitted,

/s/ "with consent" Aaron Davis

Aaron Davis (P77406)
Fraser, Treblicock, Davis &
Dunlap, P.C.
124 W. Allegan Street, Suite 100
Lansing, MI 48933
(517) 482-5800
adavis@fraserlawfirm.com

/s/ Brian D. Shekell

Brian D. Shekell (P75327)
Hannah Reisdorff Kendall (P80101)
Clark Hill PLC
500 Woodward Avenue, Suite 3500
Detroit, Michigan 48226
(313) 965-8300
bshekell@clarkhill.com
hkendall@clarkhill.com

DATE: December 10, 2019